

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

MUR 6000 )

COMMITTEE TO ELECT MIKE BOYCE )

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated \_\_\_\_\_

\_\_\_\_\_ and are deemed inappropriate for review by the Alternative Dispute Resolution

Office are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher

rated matters on the Enforcement docket warrants the exercise of its prosecutorial

discretion to dismiss these cases.

The Office of General Counsel scored MUR 6000 as a low-rated matter. In this

case, the complainant alleges that the Committee to Elect Mike Boyce ("Committee")

received a prohibited in-kind corporate contribution on January 24, 2008 from Lenaj,

Inc., *DBA Lenaj Marketing and Promotions*. In its response to the complaint, the

Committee admits receipt of an \$819 corporate contribution, but claims that, at the time

the contribution was made, the Committee was unaware that the contributor was a

corporation. To support its claim, the Committee states that the invoice it received had

the name *Lenaj Marketing and Promotions*, which did not on its face indicate that the

entity was a corporation. The Committee disclosed the contribution on the appropriate

report and has now voluntarily made plans to issue a refund to Lenaj, Inc. The

28044212281

1 Committee also intends to terminate, since Col. Boyce (Ret.) has withdrawn from the  
2 congressional race.

3 The total amount at issue in this case is less than \$1,000. Thus, in light of the *de*  
4 *minimis* nature of the allegations presented in MUR 6000 and in furtherance of the  
5 Commission's priorities and resources relative to other matters pending on the  
6 Enforcement docket, the Office of General Counsel believes that the Commission should  
7 exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470  
8 U.S. 821 (1985).


9 **RECOMMENDATION**

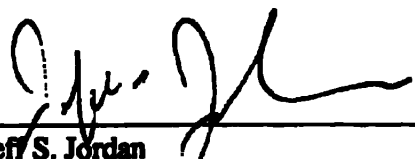
10 The Office of General Counsel recommends that the Commission dismiss  
11 MUR 6000, close the file effective two weeks from the date of the Commission vote, and  
12 approve the appropriate letters. Closing the case as of this date will allow CELA and  
13 General Law and Advice the necessary time to prepare the closing letters and the case file  
14 for the public record.

15 Thomasenia P. Duncan  
16 General Counsel  
17

18  
19  
20 6/3/03  
21 Date

BY:

  
\_\_\_\_\_  
22 Gregory R. Baker  
23 Special Counsel  
24 Complaints Examination  
25 & Legal Administration

  
\_\_\_\_\_  
Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

  
\_\_\_\_\_  
April Sands  
Attorney

Attachment:  
Narrative in MUR 6000

1  
2  
3  
4  
5 **MUR 6000**

6  
7 **Complainant: Mike Waddell**

8  
9 **Respondents: Committee to Elect Mike Boyce and**  
10 **Judy Moon Boyce, as treasurer**

11  
12 **Allegations:** The complainant alleges that the Committee to Elect Mike Boyce  
13 ("Committee") received a prohibited in-kind corporate contribution on January 24, 2008  
14 from Lenaj, Inc., DBA Lenaj Marketing and Promotions. Since corporations are  
15 prohibited from making contributions or expenditures in connection with federal elections,  
16 and officers and directors are prohibited from consenting to such contributions, the  
17 complainant alleges that the Committee violated 2 U.S.C. § 441b(a).  
18

19 **Response:** In its response to the complaint, the Committee admits receipt of an \$819  
20 corporate contribution but claims that, at the time the contribution was made, the  
21 Committee was unaware that the contributor was a corporation. To support its claim, the  
22 Committee states that the invoice it received had the name Lenaj Marketing and  
23 Promotions, which did not on its face indicate that the entity was a corporation. The  
24 Committee disclosed the contribution on the appropriate report and has now voluntarily  
25 made plans to issue a refund to Lenaj, Inc. The Committee also intends to terminate, since  
26 Col. Boyce (Ret.) has withdrawn from the congressional race.  
27

28 **Date complaint filed: April 25, 2008**

29  
30 **Response filed: May 15, 2008**

28044212284